

Exhibit 38

1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF NEW JERSEY
 3 CIVIL ACTION NO.: 2:16-CV-06576
 4

5 - - - - - :
 6 INDUSTRIA DE ALIMENTOS ZENU :
 7 S.A.S., :

8 Plaintiff, :

9 vs. :

10 LATINFOOD U.S. CORP. d/b/a ZENU :
 11 PRODUCTS CO. and WILSON ZULUAGA, :

12 Defendant/ :

13 Counter Plaintiff, :

14 - - - - - :
 15 LATINFOOD U.S. CORP. d/b/a ZENU :
 16 PRODUCTS CO., :

17 Defendant/ :

18 Counter Plaintiff, :

19 vs. :

20 INDUSTRIA DE ALIMENTOS ZENU S.A.S. :
 21 and CORDIALSA USA, INC. :

22 Counter Defendants:

23 - - - - - :
 24
 25

TRANSCRIPT of the deposition of ELVIS RODRIGUEZ, a witness herein, called for Oral Examination by the parties in the above-entitled action, said deposition being taken pursuant to Superior Court Rules of Civil Practice, by and before MARIA L. ALOIA, C.C.R., License No. XI01626, a Notary Public and Certified Court Reporter of the State of New Jersey, at the offices of THE INGBER LAW FIRM, 51 JFK Parkway, Short Hills, New Jersey, on Monday, March 18, 2019, commencing at 2:06 p.m.

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1 Cordialsa?

2 A. I have no idea.

3 Q. Okay. When you say you haven't seen
4 him in a while, did you see him last year, by any
5 chance?

6 A. I don't recall if it was last year or
7 the year before that.

8 Q. Has somebody else been representing
9 Cordialsa since Mr. Yepes?

10 A. Yes.

11 Q. Who's that?

12 A. I don't recall his name.

13 Q. Do you have a relationship with
14 Latinfood?

15 A. A relationship of buying their
16 products?

17 Q. Yes.

18 A. Yes.

19 Q. What kind of product do you buy from
20 them?

21 A. Mainly Colombian products, chips,
22 sweets, beans at that time.

23 Q. How about meats?

24 A. Yes.

25 Q. You buy meats from them, from

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1 Latinfood?

2 A. Yes.

3 Q. Currently?

4 A. Currently, no.

5 Q. Okay.

6 A. Currently, no.

7 Q. Is -- who is the representative with
8 Latinfood that you deal with?

9 A. Wilson.

10 Q. Mr. Zuluaga who's sitting here?

11 A. Yes, I know him as Wilson.

12 Q. Wilson, yes. How long have you been
13 dealing with Wilson on behalf of Latinfood?

14 A. Since we've opened the store, very
15 close to seven years.

16 Q. Okay. Now, do you recall Mr. Yepes
17 coming into your store on or around July 15th, 2015?

18 A. The dates, if that's what the date was,
19 yes. But I don't remember what year, what day it
20 was. I do remember the conversation that we had
21 regarding the products that he said we shouldn't be
22 selling.

23 Q. Now, did you see anywhere in the
24 document Exhibit A that there's a reference to a
25 date of July 15th, 2015?

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1 A. Yes.

2 Q. And do you see -- could you take a look
3 at --

4 A. What paragraph?

5 Q. Paragraph 18 on Page 23.

6 A. Okay. Okay. What about it?

7 Q. Does that refresh your recollection
8 about July 15th, 2015 being a date?

9 A. It refreshes my recollection on what
10 happened. On the date, no.

11 Q. No?

12 A. But, again, I -- what happened, yes. I
13 just don't recall the month, the date.

14 Q. Okay.

15 A. You know, but what happened.

16 Q. Do you have any reason to doubt that
17 that was the date?

18 A. No, absolutely not. No.

19 Q. Okay. So in connection with this date
20 that's referenced in Paragraph 18, tell me your
21 recollection about what happened on that date.

22 A. Alejandro comes to the store, he points
23 out to me some products that we're not supposed to
24 be selling it because there's supposedly an
25 unauthorized supplier supplying it. So, again, I'm

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1 not -- I don't know what's the real brands supposed
2 to be or not. And it happened to be that Wilson a
3 couple of minutes later walked in too and I brought
4 it to his attention and that's when he had the
5 conversation with Alejandro --

6 Q. So --

7 A. -- about it.

8 Q. So first you spoke to Mr. Yepes that
9 day?

10 A. Yes. He's the one who brought it to my
11 attention that we supposedly weren't selling -- it
12 wasn't an authentic brand under the Zenu brand.

13 Q. The Zenu brand?

14 A. Yes.

15 Q. Is that Z-E-N-U?

16 A. Correct.

17 Q. So you were selling -- were you selling
18 Mr -- Latinfood's Zenu brand meats at that time?

19 A. Meat and canned goods.

20 Q. Okay. And did Mr. Yepes tell you that
21 those were unauthorized?

22 A. Yes.

23 Q. Did he tell you that they were fake?

24 A. That they weren't authorized because it
25 wasn't Zenu products so, yeah, fake.

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1 Q. Okay. Was -- did he tell you if his
2 company was selling authentic Zenu product?

3 A. No. He says that his company -- he
4 said that his company was the one who would
5 authorize those products and those products were
6 never authorized by his company.

7 Q. Okay. Did he say what the name of his
8 company was?

9 A. I don't remember.

10 Q. Could it have been Industria?

11 A. Again, I don't remember.

12 Q. But was Cordialsa selling you meat
13 products at that time?

14 A. No. No.

15 Q. So he was asking you to remove
16 Latinfood's Zenu meat products even though they
17 weren't selling any meat products themselves. Is
18 that right?

19 A. Again, where the whole thing started
20 was on the grocery side, the canned goods, which was
21 Zenu beans. So from that he said any Zenu products.
22 I never walked to my meat department and he
23 specifically pointed meat products. It was in
24 general Zenu products, which we did carry some meat
25 products that were Zenu. But the biggest issue was

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1 the canned goods that were Zenu.

2 Q. The meat goods?

3 A. The canned goods.

4 Q. The canned?

5 A. Canned beans.

6 Q. That was a problem for him too?

7 A. What do you mean by too?

8 Q. I thought he wanted you to review all
9 the Latinfood Zenu products?

10 A. Correct. But all this stemmed out from
11 the canned beans that we sold. Like I said, we
12 never walked to the meat section to look at the Zenu
13 products, but he said in general all Zenu products
14 we're not supposed to sell.

15 Q. Did he tell you or did he say that the
16 Latinfood Zenu branded products were subpar?

17 A. What do you mean by subpar?

18 Q. No good.

19 A. That they weren't authorized to be
20 sold.

21 Q. Okay. He told you that?

22 A. Correct.

23 Q. Did he give you any documentation to
24 show you that the Latinfood Zenu brand products were
25 fake?

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1 A. No.

2 Q. Did he tell you that Cordialsa was
3 authorized to sell Zenu branded products?

4 A. No.

5 Q. It was some other company?

6 A. What do you mean it was some other
7 company?

8 Q. Strike that.

9 Did he -- did Mr. Yepes show you any
10 trademark registrations?

11 A. No.

12 Q. Did he mention that his company had
13 never sold any Zenu products in the U.S.?

14 A. We never spoke about that.

15 Q. Okay. Did he tell you who he was there
16 on behalf?

17 A. His company, where he's always been in
18 and out a couple of times a month to the store
19 making sure the store is being serviced the right
20 way and he happened to notice and that's when he
21 brought it up.

22 Q. That was Cordialsa was his company?

23 A. Yes.

24 Q. Okay. Did he offer to sell you
25 authentic Zuluaga branded products?

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1 A. No.

2 Q. Ever?

3 A. Ever.

4 Q. Did he tell you that there was a
5 lawsuit involving the Zenu name?

6 A. No.

7 Q. Did he suggest that if you continued
8 selling the Zenu product, that you might be named in
9 some kind of lawsuit? When I say you, I mean Food
10 Fair.

11 A. He did say that we weren't supposed to
12 sell it and before anything happens, it's better to
13 just remove it from the selling floor -- from the
14 sales floor.

15 Q. Did you take that as a threat?

16 A. No. No.

17 Q. Did you take it as a warning?

18 A. No. I took it as bringing it up to
19 Wilson's attention.

20 Q. Did Mr. Yepes tell you that his company
21 was having problems bringing Zenu branded food into
22 the U.S. because of custom issues?

23 A. No.

24 Q. Now, after your conversation with
25 Mr. Yepes, did you report your conversation to

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1 anybody else at Food Fair?

2 A. No.

3 Q. Did you follow his requests and remove
4 Latinfood Zenu branded products from your shelves?

5 A. No, we just didn't order it anymore.

6 Q. You stopped ordering it?

7 A. We stopped ordering it.

8 Q. And Wilson was at the store the same
9 day as Mr. Yepes?

10 A. Yes.

11 Q. Do you remember why Wilson was coming
12 to the store that day, by any chance?

13 A. Well, yeah, he services our store, so
14 he's in the store a couple of times a month, the
15 same way Alejandro. He also -- they just happened
16 to be there the same time. Right after Alejandro
17 told me what he told me, I saw Wilson and I
18 explained to him what he said and Wilson asked me to
19 show him the guy and he confronted him about it
20 and --

21 Q. Mr. Yepes?

22 A. He confronted Mr. Yepes.

23 Q. Were you present during his
24 conversation with Mr. Yepes?

25 A. Yes.

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1 Q. And where did this conversation take
2 place?

3 A. In the parking lot.

4 Q. At Food Fair?

5 A. Correct.

6 Q. Okay. Could you relate what the
7 conversation was about?

8 A. Well, the Zenu products.

9 Q. Did -- now, before this conversation
10 that you were present at, did Wilson express any
11 kind of anger or at your decision in connection with
12 the Zenu branded products?

13 A. No. But he was differently curious on
14 why Alejandro said what he said.

15 Q. Did you mention to Wilson at the time
16 that you weren't going to reorder the product?

17 A. I don't remember why we stopped
18 ordering it. I don't remember why. Like I said, I
19 didn't remove it from the shelf, we just sold out
20 and never ordered again for whatever reason. I
21 would guess that it was because we weren't supposed
22 to sell it and that's why we never got it --

23 Q. Okay.

24 A. -- again.

25 Q. But did you tell Wilson that Mr. Yepes

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1 wanted you to remove all the Zenu products?

2 A. Yes. Yes.

3 Q. So did Wilson confront Mr. Yepes about
4 him -- about Mr. Yepes approaching you with this
5 demand?

6 A. Yes.

7 Q. And what did Mr. Yepes say?

8 A. I can't remember what he said.

9 Q. Did Mr. Yepes state that he was acting
10 on behalf of Cordialsa during that conversation?

11 A. Yes.

12 Q. Did he say that he had -- did he tell
13 Wilson that he had been ordered to do so, to convey
14 this message to you?

15 A. Yes.

16 Q. Did Wilson ask Mr. Yepes who
17 specifically gave him the order to do so?

18 A. Yes.

19 Q. And did Mr. Yepes offer the name and
20 position of Luis Arango as the person who gave him
21 instructions?

22 A. I don't remember the name, but I would
23 say yes to that because they were -- they were both
24 being cooperative, they were both sharing
25 information. Wilson was asking who and Alejandro

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1 was telling him who it was, but names I don't
2 remember.

3 Q. Did Mr. Yepes say that he was -- that
4 you weren't the only person or the only store that
5 he was insisting remove all Latinfood's Zenu
6 products?

7 A. Yes, I think he did mention other
8 stores. I think he even mentioned Twin City and
9 some Supremos or I don't remember, but I know Twin
10 City was one of the ones that he said he had
11 approached them also because they had purchased the
12 products.

13 Q. So it wasn't just Food Fair that
14 Mr. Yepes demanded remove Latinfood Zenu products,
15 to your recollection?

16 A. No, it wasn't just Food Fair.

17 Q. Where's Twin City, by the way?

18 A. There's one in Newark and one in
19 Elizabeth.

20 Q. How about Supremos, do you know where
21 they are?

22 A. Newark.

23 Q. Okay.

24 A. And in Elizabeth. There's a Supremos
25 in Elizabeth.

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1 Q. Okay. Now, after that meeting with
2 Mr. Yepes that day, did you have any further
3 meetings with Mr. Yepes in connection with the
4 Latinfood's Zenu branded products?

5 A. No.

6 Q. He never mentioned it to you again?

7 A. Nope.

8 Q. Did he go in your store to check if you
9 had any Zenu products?

10 A. If he did, he didn't bring it to my
11 attention.

12 Q. Did Mr. Yepes offer you, Food Fair, any
13 kind of preferential treatment if you -- if you
14 stopped selling Latinfood's Zenu branded products?

15 A. No.

16 Q. No special discounts?

17 A. On what?

18 Q. On goods that he was selling.

19 A. No.

20 Q. Other than Mr. Yepes, has anyone else
21 from Cordialsa ever discussed this matter with you?

22 A. No.

23 Q. Did you discuss this matter with anyone
24 else in your organization?

25 A. No.

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1 Q. Not to this day?

2 A. Not to this day.

3 Q. Have you mentioned this to anybody
4 else, other supermarket managers, by any chance?

5 A. No.

6 Q. Did you discuss this matter with
7 anybody named Michelle?

8 A. That's my store manager.

9 Q. Did you discuss this with her?

10 A. It's a guy.

11 Q. A guy, excuse me.

12 A. Yeah.

13 Q. What's his full name?

14 A. Perez.

15 Q. Michelle?

16 A. Perez.

17 Q. Okay.

18 A. I mean, discussing it when it happened
19 at the store, nothing further from that and probably
20 not even -- he's probably not even aware of the
21 conversation that Wilson had with Alejandro in the
22 parking lot.

23 Q. And do you currently sell any
24 Latinfood's Zenu branded products at your store?

25 A. No.

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1 Q. Did you ever receive any customer
2 complaints about Latinfood's Zenu branded goods?

3 A. No.

4 MR. INGBER: I want to take a short
5 break.

6 (A recess was taken.)

7 Q. I don't have any further questions for
8 you.

9 A. Okay.

10 MR. KADOSH: Wait. I'm going to ask
11 you a couple of questions.

12 (An off-the-record discussion was
13 held.)

14

15 CROSS-EXAMINATION BY MR. KADOSH:

16 Q. Now, just introduce myself, my name is
17 Sam Kadosh and we represent Industria, which is the
18 company that makes the Zenu products in Colombia and
19 so I'm going to refer to -- we're going to be
20 discussing the Latinfood Zenu products and also the
21 Colombian Zenu products. And we're the plaintiffs
22 in this lawsuit. We represent, you know, the
23 company that is the plaintiff in this lawsuit, and
24 we sued Mr. Zuluaga and his company.

25 A. Okay.

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1 Q. Relatives who have Colombian ancestry
2 or heritage?

3 A. Nope.

4 Q. When did you first meet Wilson?

5 A. Around the time we opened the store,
6 2012.

7 Q. And what was the -- how did you come to
8 meet him?

9 A. Because of the goods that he sells,
10 Colombian products.

11 Q. And so he -- just to clarify, he came
12 to your store to have his products placed in your
13 store, is that what happened?

14 A. I don't remember if I reached out to
15 him or he reached out to me.

16 Q. And how would you have known to reach
17 out to him?

18 A. By the products he sells, word of
19 mouth, who sells what, numbers, and that's -- we're
20 all in the same business, so we usually use --
21 98 percent of the chance we all using the same
22 vendor.

23 Q. And what was Wilson or Latinfood's
24 reputation, what types of products did they sell?

25 A. Colombian products.

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1 Q. Now, when you say Colombian products --
2 actually, strike that question.

3 Now, did -- when you first met Wilson,
4 did he make any types of sales pitch to you about
5 his products?

6 A. Every vendor makes a sales pitch. They
7 all trying to sell their products.

8 Q. Did he give you any written materials I
9 guess is my question?

10 A. Written materials?

11 Q. Yeah. Like a brochure --

12 A. Like a list of -- I don't recall. I
13 don't recall.

14 Q. Okay. You're doing great, but just
15 wait until I finish the question before you answer
16 so that it will be a clear record of me asking the
17 questions and you answering. So you're doing a
18 great job, but let's just slow it down a bit.

19 A. Okay.

20 Q. Now, before you met Wilson, had you
21 ever heard of the Zenu brand?

22 A. No.

23 Q. Had you ever heard of the Ranchera
24 brand?

25 A. No.

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1 Q. Did you know that the Zenu and Ranchera
2 brands were products that were sold in Colombia for
3 the last 60 years?

4 MR. INGBER: Objection.

5 A. No.

6 Q. How did you decide to sell the Zenu and
7 Ranchera products?

8 A. By bringing it into the store and if it
9 sold, we repeat the order.

10 Q. Now, do you recall did Wilson ever tell
11 you anything specific about the Zenu products that
12 he was selling?

13 A. They were a brand known in Colombia.

14 Q. Now, did he explain to you whether
15 these products were manufactured in Colombia or the
16 U.S.?

17 A. No.

18 Q. Did he tell you something to the effect
19 that he was the American distributor of the
20 Colombian Zenu?

21 A. No.

22 Q. Did he tell you something to the effect
23 that he was the American importer of the Colombian
24 Zenu?

25 A. No.

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1 Q. Now, when's the first time that you
2 learned about the lawsuit between the Colombian Zenu
3 and Latinfood and Mr. Zuluaga?

4 A. When I got the subpoena, I mean the
5 letter.

6 Q. Yeah, sure.

7 And did you communicate with Wilson
8 about the subpoena?

9 A. No.

10 Q. Okay. Did you communicate with
11 Mr. Ingber about the subpoena?

12 A. Well, just about coming to the
13 deposition, yeah.

14 Q. Okay. Now, let's go back to the time
15 around the incident, you know, which Mr. Ingber is
16 representing is around July 15th, 2015. How often
17 would you place orders for Latinfood products at
18 that time?

19 A. Every week.

20 Q. Every week.

21 And how far in advance do you place the
22 order, like how does it work mechanically?

23 A. A couple of days in advance.

24 Q. Okay. And how do you decide how much
25 Latinfood product to order?

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1 A. Customer demand. All depend on
2 customer demand.

3 Q. And would that demand vary over the
4 course of the year or there was a pretty steady
5 demand?

6 A. It was a pretty steady demand.

7 Q. You had testified earlier that
8 Mr. Yepes had told you that the Latinfood's Zenu
9 products were not authorized. Is that correct?

10 A. That is correct.

11 Q. Did he tell you that they were spoiled?

12 A. No.

13 Q. Did he say that they were rotten?

14 A. No.

15 Q. Did he make any representations saying
16 that they were like inferior quality in any way?

17 A. No.

18 Q. Just give me a moment. I'm going to
19 mark an exhibit.

20 MR. KADOSH: I want to mark this as
21 Latinfood 2.

22 (Latinfood 2, Latinfood Invoice #18464,
23 FOODFAIR 0000026 - 31, is marked for
24 identification.)

25 Q. Mr. Rodriguez, you've been handed a

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1 document that's been marked Latinfood Exhibit 2. If
2 you could just take a moment to look through these
3 documents and then I want to ask you some questions
4 about them.

5 All right. Are you ready?

6 A. Yes.

7 Q. Okay. Mr. Rodriguez, do you recognize
8 what these documents are?

9 A. Yes, they're invoices.

10 Q. And are they invoices from Latinfood?

11 A. That is correct.

12 Q. And these are invoices that were sent
13 to you, Food Fair, correct?

14 A. Correct.

15 Q. All right. If we can take a look at
16 the first page. So this is an invoice dated
17 June 18th, 2015. Is that correct?

18 A. Yes.

19 Q. And there's two pieces of information
20 that I'm going to want to look at from invoice to
21 invoice, and that is the units that are sold and
22 then the total amount due on this invoice. So in
23 this first invoice from June 18th, 2015, so like a
24 month before this issue with Mr. Yepes and
25 Mr. Zuluaga, there were 60 units sold and the total

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1 price was 179, right, and 40 cents. Is that
2 correct?

3 A. That is correct.

4 Q. Now, you go to the next page you have
5 an invoice from 6/30/2015 and it looks here you have
6 84 units sold or 85 rather units sold and a total
7 price of 384. Is that correct?

8 A. Yes.

9 Q. Now, is that unusual to see such a
10 significant increase in one week to the next?

11 A. Yeah, different product.

12 Q. Well, can you explain what you mean by
13 that answer?

14 A. Well, you have 20 quantity of an item
15 that's not in the first invoice. So on the first
16 invoice we have one, two, three, four, five items,
17 one case of each. On the second invoice you have
18 one, two, three, four, five, six, one being 20
19 instead of one.

20 Q. Uh-huh. And so I'm sure you don't --
21 I'm not sure. But I would assume you don't remember
22 exactly why you ordered this amount of this product
23 in 2015, but you're speaking generally from your
24 experience, is it that you ran out of one of these
25 particular products, one of the Latinfood products

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1 and then you reordered some more?

2 MR. INGBER: Objection.

3 A. It's -- I don't think you're seeing the
4 invoices correctly. There's one item that's not on
5 the first page that it's on the second page.

6 Q. Okay.

7 A. So nothing changes really, but the new
8 item that was ordered. You got one case of each as
9 of the same first invoice, but the first invoice
10 doesn't have the case that is 20 pounds of meat,
11 that's not in the first one.

12 Q. So you added on a new product? I mean,
13 I'm trying to understand why there's a new product
14 in invoice number two. Is it that you added a new
15 product or you carried that product, but you ran out
16 of it?

17 A. It could have been that we didn't need
18 it when the first invoice was ordered and by the
19 time the second invoice was issued, we ordered it.

20 Q. Okay. Let's move on to the third
21 invoice dated July 9th, 2015. So this is about a
22 week before the incident and this is showing an
23 order for \$188. So similar to the first invoice,
24 less than the second invoice.

25 A. Correct.

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1 Q. Let's move on to the fourth invoice.
2 So this is the day, July 15, 2015, this invoice is
3 dated the same day that the Yepes/Zuluaga
4 conversation happened and here it's showing a total
5 amount of \$116. Is that correct?

6 A. Yes, but that order didn't come on the
7 15th. We probably ordered it and he printed it, he
8 printed the invoice out, but this came to my store
9 on the 17th.

10 Q. Okay. So you didn't cancel this order
11 after having the conversation with Mr. Yepes about
12 the unauthorized Zenu products. Is that correct?

13 A. Okay. Let's go back to the beginning
14 when I was talking with Mark is it, right?

15 MR. INGBER: Yes.

16 A. This is meat. Like I said before,
17 there was no discussion about meat product. It was
18 the canned good products and any Zenu product, which
19 this was a Zenu product so, but me and Alejandro
20 never walked to the meat department and said you're
21 not supposed to sell this either. It all started
22 from a display that we had in the front of the store
23 that canned beans that said Zenu, that was where it
24 all came from.

25 Q. So if I want to understand -- strike

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1 that.

2 So is it your testimony that after the
3 conversation with Mr. Yepes and Mr. Zuluaga, you
4 stopped ordering the Zenu bean products, but not the
5 Zenu meat products?

6 MR. INGBER: Objection.

7 A. Correct. The issue was with the bean
8 products was in the grocery department of the store.
9 He never said you can't do the meat, but being that
10 the meat was a Zenu product also, it was all under
11 the same umbrella. It was a Zenu product, but
12 everything started from the beans. And it was
13 selling to me, if it was selling in the store, I
14 didn't stop it right away. I don't remember how --
15 I don't remember how it was that we stopped selling
16 it, whether it was Latinfoods that decided they
17 weren't going to sell it anymore or maybe my guys
18 decided not to bring it in anymore. I can't recall
19 the reason why we don't have it in the store as of
20 today.

21 Q. When you say your guys didn't bring it
22 into the store, what do you mean by that?

23 A. My managers, my grocery managers, my
24 meat department managers, the ones who would call
25 Wilson or his representative to make the order.

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1 Q. Now, why would they make a decision to
2 stop ordering the Zenu meat products?

3 A. Why would who make a decision?

4 Q. Your --

5 A. Like I said, I don't remember if it was
6 from our end or if it was from Wilson's end from
7 Latinfoods that they weren't sending it to us
8 anymore.

9 Q. I'm trying to explore your end of
10 things, obviously, you can't testify to decisions
11 Wilson made. And what I'm trying to understand is
12 with the Zenu meat products, which is the invoices
13 that we're looking at, I'm trying to understand
14 whether you stopped selling those products as a
15 result of the conversation that you had with Wilson?

16 A. I can't remember.

17 Q. And, in fact, if you go to I think the
18 fifth page of this invoice, the one that has the
19 Number 30 all the way on the bottom, it looks like
20 on July 23rd, so a week after the conversation with
21 Wilson and Mr. Yepes, you're ordering more Zenu
22 products. Isn't that correct? Zenu meat products.

23 A. Yes.

24 Q. And then if you go to the last page,
25 this is now two weeks after the conversation with

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1 Mr. Yepes and Mr. Zuluaga, you're ordering \$109 of
2 Zenu meat products?

3 A. That's correct.

4 MR. KADOSH: I just want to mark one
5 more exhibit.

6 (Latinfood 3, Latinfood Invoice #18908
7 FOODFAIR 0000032 - 34, is marked for
8 identification.)

9 Q. You've been handed what's been marked
10 Latinfoods Exhibit 3 and these are some more
11 invoices between Latinfood and Food Fair. So if you
12 can look at the first invoice, it's dated
13 August 20th, 2015. And it shows the total for this
14 invoice is \$327. And these were for Zenu products.
15 Is that correct?

16 A. Correct.

17 Q. And this was about a month after the
18 conversation between Mr. Yepes and Mr. Zuluaga,
19 correct?

20 A. Correct.

21 Q. If you go to the second page of this
22 exhibit, you have -- it's for an invoice dated
23 9/9 and the total for the invoice is \$487 and it's
24 also for Zenu products. Is that correct?

25 A. Correct.

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1 Q. And then if you go to 9/17, which is
2 the last invoice, so this is two months after the
3 conversation between Mr. Yepes and Mr. Zuluaga, and
4 the invoice amount for these products is 131.22.
5 Isn't that correct?

6 A. Correct.

7 Q. And then it looks -- one of the items
8 is circled and it says returned. What does that
9 mean?

10 A. That it was returned.

11 Q. Okay. Now, do you still carry the
12 Latinfoods Zenu meat products in your store?

13 A. No.

14 Q. Do you recall when you stopped carrying
15 them?

16 A. No.

17 Q. Do you carry any of Mr. Zuluaga's items
18 in your store anymore?

19 A. Yes, I do.

20 Q. What items?

21 A. Just Colombian chips, guava paste,
22 bananas, groceries, grocery items.

23 Q. If you look through your records, would
24 you be able to figure out when you stopped ordering
25 the Latinfoods Zenu meat products?

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1 A. Yeah, I'm pretty sure I'll be able to
2 figure it out.

3 Q. Okay. So Mr. Ingber and I will
4 follow-up with you, because I think that would be
5 just a pretty important piece of information for the
6 lawsuit. We'll follow-up with you after the
7 deposition to get that date.

8 A. But that's going to be -- based on the
9 year, it's going to be pretty tough to do. I have
10 maybe after two years I don't think I keep much
11 invoice records after two years. So, again, I can
12 definitely look and see, but I don't know if I'm
13 going to find anything from 2017 or 2016.

14 Q. Okay. Meaning if it was before 2016?

15 A. Yeah. I would say -- I would have to
16 say probably not before 2016.

17 Q. Okay. All right. We'll follow-up with
18 you. What's the best way to follow-up, do you have
19 an email address?

20 A. Yes. Foodfair956@gmail.com.

21 Q. No further questions.

22 MR. INGBER: Okay. We'll have a short
23 break.

24 (A recess was taken.)

25

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1 REDIRECT EXAMINATION BY MR. INGBER:

2 Q. A few more questions, Mr. Rodriguez.
3 So does Food Fair cater to other Latin countries of
4 people and culture other than Colombians?

5 A. Yes.

6 Q. Like Mexican?

7 A. Peruvians, Dominicans, and Central
8 American.

9 Q. Brazilians?

10 A. No, not Brazilian.

11 Q. Ecuadorians?

12 A. Yes.

13 Q. Okay. Do you know if Latinfood has
14 lines of food that don't cater to Colombians?

15 A. Yes. That they don't cater to
16 Colombians?

17 Q. That they sell foods that aren't
18 directed towards Colombians, they're directed to
19 other nationalities.

20 A. I don't think so, no.

21 Q. Okay. Would your line managers know
22 if --

23 A. Yes.

24 Q. What would they know?

25 A. They're the ones who make the order.

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